PATENT
PC8626BJT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE DIVISIONAL APPLICATION OF:
William J. Curatolo, et al.

SERIAL NO.: **09/577,059**

FILED: **May 22, 2000**

FOR: **Controlled-Release Dosage Forms of Azithromycin**

EXAMINER: **R. Dewitty**

ART UNIT: **1616**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 20th day of November 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Request For Reconsideration Under 37 CFR 1.111

Sir:

This is in response to the non-final Office Action of May 21, 2002 in the above-identified application, the term for response having been extended three (3) months by enclosing the appropriate fee and petition herewith.

In response to the Office Action, please make the changes indicated below and consider the comments and traversal of the rejection that follow.

In the claims:

72. A sustained release dosage form comprising azithromycin which meets the following in vitro criteria:

(1) $Q_{0.25} \leq$ 200 mg,

(2) $Q_1 \leq$ 500 mg,

(3) $Q_2 \leq$ 1000 mg,

(4) $Q_4 \leq$ 1500 mg, and

(5) $Q_6 \leq$ 2000 mg,

when said dosage form is tested in a USP rotating paddle apparatus, said apparatus being described in USP XXIII dissolution test chapter 711, and wherein the apparatus has paddles rotating at 50 rpm and contains 900 mL of pH 6.0 sodium dihydrogen phosphate buffer at 37°C;